

HOUSE No. 1235

By Mrs. Harkins of Needham, petition of Lida E. Harkins and others relative to the disposition of certain property at Medfield State Hospital. Housing.

The Commonwealth of Massachusetts

PETITION OF:

Lida E. Harkins
James E. Timilty

Richard J. Ross

In the Year Two Thousand and Seven.

AN ACT PROVIDING FOR THE DISPOSITION OF CERTAIN PROPERTY AT MEDFIELD STATE HOSPITAL.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. As used in this act, the following words shall, unless
2 the context clearly indicates otherwise, have the following
3 meanings:—
4 “Area median income”, the median income adjusted for family
5 size as determined by HUD for the Boston MSA.
6 “Campus”, the parcels of state-owned land in the town of Med-
7 field consisting of portions of the former Medfield state hospital, and
8 the buildings and improvements thereon and the rights, easements
9 and other interests appurtenant thereto, including parcels A, A-1, A-
10 2, B, C, D, E, F, G and H (as shown on the plan, as hereinafter
11 defined).
12 “Client housing plan”, the description of the relative location and
13 mix of the one and two bedroom units which the developer of the
14 disposition parcel shall provide and set aside for clients whose
15 annual income does not exceed 80% of the area median income in
16 accordance with Section 6(d) hereof.
17 “Clients”, clients of the department of mental health.
18 “Commissioner”, the commissioner of the division of capital asset
19 management and maintenance.

20 “Developer”, any person, entity, or governmental body that
21 acquires an ownership or leasehold interest in the disposition parcel,
22 as hereinafter defined, or a portion thereof pursuant to this act.

23 “Disposition parcel”, parcel A, parcel B and parcel G as shown on
24 the plan, containing approximately 134 acres in the aggregate, and
25 the buildings and improvements thereon and the rights, easements
26 and other interests appurtenant thereto.

27 “Division”, the division of capital asset management and mainte-
28 nance.

29 “MOA”, the memorandum of agreement to be executed between
30 the town of Medfield and DCAM.

31 “Permitted housing units,” the total number of housing units to be
32 constructed on the disposition parcel consistent with the reuse plan.

33 “Plan” the plan entitled “Compiled Subdivision Plan, Medfield
34 State Hospital, Medfield, Massachusetts, prepared for Division of
35 Capital Asset Management” dated June 14, 2005, prepared by Judith
36 Nitsch Engineering, Inc.,” on file with the division.

37 “Reuse plan”, the Medfield state hospital reuse plan prepared by
38 the division and approved by the board of selectmen of the town of
39 Medfield on November 15, 2005, as the same may be enhanced,
40 refined or amended from time to time by the division in accordance
41 with this act with the consent of the Medfield Board of Selectmen.

42 “Survey”, a survey of the campus undertaken by the commis-
43 sioner in accordance with the plan and pursuant to Section two.

44 “Town”, the town of Medfield acting by and through its board of
45 selectmen.

1 SECTION 2. The commissioner is hereby authorized to prepare a
2 survey and to undertake such additional planning and studies and the
3 preparation of plans and specifications, and, after consultation with
4 the board of selectmen of the town of Medfield, to enhance, refine
5 and amend the reuse plan as the commissioner deems necessary. The
6 survey shall define the boundaries of the campus, of the parcels
7 referred to in this act, and of the disposition parcel, substantially as
8 set forth on the plan, provided, however, that the exact size and
9 boundaries of the parcels referred to in this act shall be determined
10 by the commissioner.

1 SECTION 3. After the completion of the transactions authorized
2 by Section 6, the commissioner is hereby authorized to transfer care
3 and custody of parcel A-1, parcel A-2, and parcel C as shown on the
4 plan and subject to such easements as the commissioner may elect,
5 to the department of conservation and recreation for open space and
6 passive recreational purposes. Said transfer shall be without consid-
7 eration and shall not be subject to the provisions of Chapter 7 of the
8 General Laws.

1 SECTION 4. After the completion of the transactions authorized
2 by Section 6, the commissioner is hereby authorized to transfer care
3 and custody of parcel D as shown on the plan to the executive office
4 of public safety for use as a firing range and open space. Said
5 transfer shall be without consideration and shall not be subject to the
6 provisions of Chapter 7 of the General Laws.

1 SECTION 5. After the completion of the transactions authorized
2 by Section 6, the commissioner is hereby authorized, notwith-
3 standing Sections 40E to 40I, inclusive, of Chapter 7 of the General
4 Laws, or any other general or special law to the contrary, to transfer
5 to the town of Medfield, for nominal consideration, all of the Com-
6 monwealth's right, title and interest in the water tower located on
7 parcel A as shown on the plan and in the parcel of land on which
8 such water tower is located as shown on the plan and to grant to the
9 town of Medfield such rights of way or easements for access, egress,
10 and utilities across parcel A as the commissioner deems reasonable
11 and necessary for the use of said water tower by the town of Med-
12 field. It shall be a condition of such transfer and grant that the town
13 shall operate, maintain, repair and replace said water tower and its
14 appurtenant facilities for the purpose of providing water in the town.
15 Any deed conveying said parcel of land to the town of Medfield
16 shall contain a provision that if the parcel ceases to be used for the
17 purpose set forth in this Section 5, then upon notification to the
18 owner by the Commonwealth and recording of such notification
19 with the appropriate registry of deeds or registry district of the land
20 court, title to said parcel shall revert to the Commonwealth.

1 SECTION 6. (a) Notwithstanding Sections 40E to 40I, inclusive
2 of Chapter 7 of the General Laws, or any other general or special

3 law to the contrary, the commissioner is hereby authorized to sell,
4 lease for a term or terms of up to ninety-nine years, including all
5 renewals and extensions, or otherwise grant, convey, or transfer to
6 one or more developers an interest in the disposition parcel, or por-
7 tions thereof, and any buildings, improvements and facilities
8 thereon, subject to the provisions of this act and the reuse plan and
9 on such terms and conditions as said commissioner deems appro-
10 priate; provided, however, that no portion of the disposition parcel
11 may be used for an incinerator, landfill, or other means of permanent
12 disposal of solid or hazardous waste, house of correction, jail or
13 prison.

14 (b) Prior to any such conveyance or lease, the commissioner shall,
15 in consultation with the department of agricultural resources and
16 with the department of conservation and recreation, delineate one or
17 more areas of parcel B to be protected by agricultural preservation
18 restrictions or conservation restrictions, and shall determine the
19 terms and conditions of such restrictions. Without limiting the fore-
20 going, such restrictions shall limit the use of parcel B to agricultural
21 open space, recreational and ancillary uses on conditions as agreed
22 upon by the commissioner and the department of conservation and
23 recreation and the department of agricultural resources. The com-
24 missioner shall incorporate such restrictions in any deed conveying
25 all or any portion of parcel B to be so protected. In connection with
26 any sale of all or any portion of parcel B by the Commonwealth in
27 accordance with this section, the commissioner shall require that the
28 purchaser immediately after it acquires title convey to the town of
29 Medfield, for nominal consideration, parcel B or such portion of
30 parcel B as may be conveyed to said purchaser. In connection with
31 any lease of all or any portion of parcel B by the Commonwealth in
32 accordance with this section, the commissioner shall require that the
33 lessee shall immediately lease to the town of Medfield, for nominal
34 consideration, parcel B or such portion of parcel B as may be leased
35 to said lessee. Upon any such conveyance or lease to the town of
36 Medfield, said town shall be responsible for the use and maintenance
37 of parcel B or the portion thereof so conveyed or leased to the town
38 for agricultural open space, recreational and ancillary uses.

39 (c) The commissioner shall dispose of the disposition parcel, or
40 portions thereof, utilizing appropriate competitive processes and pro-
41 cedures. The selection of a qualified developer for the disposition

42 parcel or any portion thereof shall be made primarily based on the
43 selected developer's plan to meet the requirements for providing
44 affordable housing for clients, as set forth in 6(d) of this act, the
45 financial feasibility of the proposed development, the developer's
46 experience with projects of this size and complexity, conformity
47 with the provisions of this act and in compliance with the reuse plan
48 and the MOA, and such other factors as the commissioner deems
49 appropriate. The commissioner and the commissioner of mental
50 health shall, after consultation with the town, jointly select the client
51 housing plan submitted by bidders that best meets the requirements
52 of this act, taking into account the criteria for selection of a qualified
53 developer pursuant to the immediately preceding sentence. In order
54 to ensure that substantial benefit is derived for clients of the depart-
55 ment of mental health from the transfer of the disposition parcel pur-
56 suant to this act, the commissioner shall provide the commissioner
57 of the department of mental health with an opportunity to review and
58 comment on any request for proposals, to review proposals received
59 and to make recommendations concerning the designation of one or
60 more developers. The commissioner shall also provide the town with
61 an opportunity to review and comment on any request for proposals,
62 to review proposals received and to make recommendations con-
63 cerning the designation of one or more developers. The designated
64 developer shall be required to implement the approved client
65 housing plan.

66 Upon the expiration of any lease entered into under the provisions
67 of this act, the commissioner shall have the authority to dispose of
68 the disposition parcel or portions thereof so leased in accordance
69 with this act, but notwithstanding Sections 40E through 40I, inclu-
70 sive, of Chapter 7 of the General Laws, or any other general or
71 special law to the contrary.

72 (d) The Commonwealth recognizes the need for affordable
73 housing for clients and therefore requires that the developer of the
74 disposition parcel provide and set aside units of rental housing for
75 clients whose annual income does not exceed 80% of the area
76 median income in accordance with the following:—

77 (i) the number of set-aside units shall equal 10 percent of the
78 number of permitted housing units, but in no event shall less than 44
79 units set-aside units be provided,

80 (ii) 24 of said set-aside rental housing units shall be constructed
81 on the disposition parcel,

82 (iii) the balance of said set-aside rental housing units, but in no
83 event less than 20, shall be located elsewhere in the department of
84 mental health's metro suburban area,

85 (iv) said set-aside rental housing units shall include a mix of one
86 and two bedroom units, and

87 (v) each of said units shall be set aside for clients for as long as
88 the disposition parcel is used for housing, but in any event for no
89 less than thirty (30) years. The department of mental health shall
90 determine, arrange and provide appropriate support services for
91 clients residing in such units. The developer and the department of
92 mental health, the Massachusetts housing finance agency, and the
93 department of housing and community development, or any suc-
94 cessor thereto, shall be required to use all reasonable efforts before
95 and after transfer of the disposition parcel to secure housing subsi-
96 dies for clients whose annual income may be as low as 15% of the
97 area median income, and shall enter into a memorandum of under-
98 standing prior to and conditional to the transfer of the disposition
99 parcel to said developer outlining their respective responsibilities,
100 commitments, and obligations respecting securing such subsidies
101 from both state and federal sources, provided, however, that any
102 agreement by the department of mental health or the department of
103 housing and community development to provide subsidies shall be
104 subject to appropriation, and provided, further, that nothing herein
105 shall be deemed to require that the department of mental health and
106 the department of housing and community development secure sub-
107 sidies through their collective efforts for more than 44 rental housing
108 units. The selected developer shall not be required to fund the subsi-
109 dies required to allow such clients to afford said units.

110 (e) The developer of the disposition parcel or of any portion
111 thereof, shall provide pedestrian and horse trails over the disposition
112 parcel that will link parcel A-1 and parcel A-2.

113 (f) The developer of the disposition parcel or of any portion
114 thereof shall provide for the use of all public recreation facilities
115 now existing or hereafter created on the disposition parcel by the
116 general public

117 (g) The developer shall preserve, maintain and protect the existing
118 cemetery located on parcel E as shown on the plan.

119 (h) At least 30 days before the date on which bids, proposals, or
120 other offers to purchase or lease the disposition parcel, or any por-
121 tion thereof, are due, the commissioner shall place a notice in the
122 central register published by the state secretary pursuant to Section
123 20A of Chapter 9 stating the availability of such property, the nature
124 of the competitive process and other information deemed relevant,
125 including the time, place and manner for the submission of bids, pro-
126 posals and the opening thereof.

1 SECTION 7. The commissioner is hereby authorized to retain or
2 grant rights of way or easements for access, egress, utilities and
3 drainage across the disposition parcel and across other Common-
4 wealth property (other than property under the care and control of
5 the department of conservation and recreation as of the effective date
6 of this act) contiguous to the disposition parcel, and the Common-
7 wealth may accept from any developer or developers rights of way
8 or easements in roadways or across the disposition parcel to be con-
9 veyed by deed or leased pursuant to this act for the purposes of
10 access, egress, drainage and utilities as the commissioner deems nec-
11 essary and appropriate to carry out the purposes of the reuse plan
12 and this act.

1 SECTION 8. The grantee or lessee shall be responsible for all
2 costs including, but not limited to, appraisals, surveys, plans, record-
3 ings and any other expenses relating to the transfer, as shall be
4 deemed necessary by the commissioner.

1 SECTION 9. The provisions of this act shall be deemed to pro-
2 vide an additional, alternative and complete method for accom-
3 plishing the purposes of this act and shall be deemed and construed
4 to be supplemental and additional to, and not in derogation of,
5 powers conferred upon the commissioner and others by law; pro-
6 vided, however, that insofar as the provisions of other laws are
7 inconsistent with the provisions of this act, the provisions of this act
8 shall be controlling.

1 SECTION 10. Chapter 180 of the Acts of 2002, authorizing the
2 Division of Capital Asset Management and Maintenance to transfer
3 certain parcels of land in the town of Medfield shall be amended by

4 deleting paragraph (b) of Section 1 and replacing it with the
5 following:—

6 (b) those certain parcels of land described as “Parcel A”, “Parcel
7 B” and “Parcel C” in that certain order of taking recorded in the
8 Norfolk County Registry of Deeds in book 4567, pages 627 and 628;

1 SECTION 11. Section 340 of Chapter 149 of the acts of 2004 is
2 hereby repealed.